

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,  
 LAKE GEORGE, NEW YORK,  
 OCTOBER 2, 2005

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 \* Docket No.: DCA 06 MM 001  
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Interviews of: ANNE MCGUNAGLE and EVANS T. MCGUNAGLE

National Transportation Safety Board  
 490 L'Enfant Plaza East, S.W.  
 Washington, D.C. 20594

Tuesday,  
 October 11, 2005

The above-captioned matter convened, pursuant to  
 notice at 8:35 a.m.

BEFORE: MARIETTE BURER

## APPEARANCES:

MARIETTE BURER  
National Transportation Safety Board

MAJ. STEVE RIVENBURGH  
New York State Park Police

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interviews of Anne McGunagle and Evans T. McGunagle:	
By Ms. Burer	4
By Maj. Rivenburgh	9
By Ms. Burer	17
By Maj. Rivenburgh	29

P R O C E E D I N G S

(8:35 a.m.)

MS. BURER: Okay, my name is Mariette Burer with the National Transportation Safety Board and I have with me --

MAJ. RIVENBURGH: Steven Rivenburgh, New York State Park Police.

MS. BURER: And go ahead and announce your name.

MS. MCGUNAGLE: My name is Anne McGunagle.

INTERVIEW OF ANNE MCGUNAGLE

BY MS. BURER:

Q. Okay. Today is October the 11th and it is approximately 8:35 in the morning. Could you please tell us what happened last Sunday, October 2nd, and tell us your story in your own words, and guide us through the whole incident?

A. We went -- when we started down the steep hill to go to the boat, I walk slow because I have arthritis, and when we got to the boat, or before we got to the boat I said to my husband, boy that boat's leaning on the -- as we're looking at it, on the left side. And then, as we approached nearer, I said oh, there's three people there and it doesn't like too many on the other side, maybe we'll even it up. But when we got to the boat, I hesitated because I have the walker and we were going to fold it, but it looked like it was full. So I said to the Captain, is there room for us? He did not really acknowledge me. And then about seven more people got on and I

1 said to him, well, is there time -- is there room for us or  
2 not? And he said, does that thing fold up, talking about my  
3 walker. And then we said, yes, it does. And then my friends  
4 at the front of the boat were yelling, come on, Anne, come on,  
5 come on. We've got a seat for you. And then we walked onto  
6 the boat. And then I was right up there in that front seat,  
7 right at the hull.

8 Q. Okay.

9 A. That's about. As far as that went, we had a  
10 pleasant, a pleasant trip, looking around and we were talking.  
11 And then all of a sudden I said to Carol, I think he's speeding  
12 it up. I wonder why? And then he started into the turn and  
13 the water came in. There were no other boats around that I  
14 saw, other than maybe a few pleasure boats, but they were not  
15 near us at all. And when he started, it happened so quick. I  
16 do remember grabbing my -- the handle of my walker, and I think  
17 that's what saved me from being thrown like some of the rest  
18 when that slipped.

19 And after that, I was in the water, feeling the glass  
20 in the front of the boat, trying to get where I was, and then I  
21 saw a shoe and I felt the shoe and it was going up, so I knew  
22 to dive down and come up. And then later I was rescued. And  
23 that's about all I remember. Of course, when I came up, there  
24 was a lot dead bodies and I wondered if I was the only one  
25 living.

1 Q. Did you see anyone else around you when you came up?

2 A. Only bodies. And when I swam to the other side of  
3 the boat, there were possibly seven people hanging onto the  
4 boat there. And so I went over to find something to hang onto.  
5 And at this time, they were yelling, please come and help us.  
6 Somebody was passing out and I think it was Jean Siler (ph.).

7 Q. Okay. When you were talking about hanging onto the  
8 boat, is that the boat that capsized or is it another boat?

9 A. The one that capsized. Once, there was just a little  
10 bit of it out of the water, and Carol was lying on top of the  
11 boat and there were several people around it. And I kind of  
12 hovered because I was still looking for my husband and I  
13 thought, why did I come up, you know, I don't see him. Then  
14 all of a sudden I saw him. And I said, oh, there he is and he  
15 kind of shook it off and came to. And at that point, when he  
16 got to me, the boat was sinking completely. He said, come on,  
17 get away from the boat, all of you, or you're going to go back  
18 down under. And then people were throwing us life jackets and  
19 he put one under my right arm, and then he towed me, because he  
20 didn't think I was going fast enough away from the boat. And  
21 then it did completely submerge.

22 Q. Okay. So when you were actually hanging onto the  
23 boat, can you describe to me how much of the boat was still --

24 A. Very little. Actually, the -- just a small part was  
25 showing of the boat. And not -- our cruise director was

1 probably five-foot tall, and she actually was laying on the top  
2 of it, but she was not -- it wasn't big enough her to  
3 complete -- her complete body to be on. Her feet were in the  
4 water.

5 Q. Okay. Was she laying on top of the roof or was she  
6 laying on the bottom of the boat? You know, which way was the  
7 boat turned?

8 A. It was upside down.

9 Q. Upside down, okay. Okay. Did -- at any time, did  
10 you hear any kind of noise from the boat during your trip  
11 while --

12 A. No, it seemed to be a normal ride, really.

13 Q. Okay. And the windows around you, were they opened  
14 or closed?

15 A. They were -- the windows on the side of the boat were  
16 open and they were attached to the ceiling. And the windows,  
17 naturally, in the front were not, because I even -- we all  
18 remarked, well, we don't get the wind, anyway, with the  
19 windows.

20 Q. Right. Can you tell me what you were wearing the day  
21 of the accident?

22 A. I was wearing a pink top, cotton, and pink and white  
23 cotton pants, canvas shoes, and socks that were cotton, and  
24 just my underwear.

25 Q. Okay.

1           A.    Oh, my watch and all that, earrings and my hearing  
2   aids and all.

3           Q.    Right.  Do you wear hearing aids in both ears or just  
4   one?

5           A.    Both.

6           Q.    Both?  Okay.  Can you tell me a little bit more about  
7   the Captain's demeanor during the trip?

8           A.    Actually, when he talked he was very nice after that,  
9   when he was doing the talking.

10          Q.    Okay.

11          A.    But my first encounter was, that I think he was  
12   rough.  I hope we have a pleasant trip.

13          Q.    Right.  Did you see any -- how long prior to the  
14   trip, departing, did you arrive?

15          A.    I'm sorry?

16          Q.    How -- as far as the actual time frame, you were one  
17   of the last people to board the boat?

18          A.    Right.

19          Q.    Okay.  So the Captain was already on the boat?

20          A.    Yes, he was on.

21                MS. BURER:  Okay.  Okay.  I'm going to go ahead and  
22   turn it over to Steve right now and then he can ask you some  
23   questions, okay?

24                MS. MCGUNAGLE:  Okay.  Thanks.

25                MS. BURER:  Thank you.



1 BY MAJ. RIVENBURGH:

2 Q. Ms. McGunagle --

3 A. Yes.

4 Q. -- how much boating experience do you have?

5 A. Well, my brothers own boats, so I've gone with them.  
6 We've gone on a couple of cruises and we go on different  
7 pleasure boats. And my son-in-law, I have gone on his boat.  
8 That's about it.

9 Q. Okay. Just trying to establish a little knowledge  
10 there.

11 A. Um-hum.

12 Q. Okay. You said you swam down and then up. Did -- do  
13 you swim pretty good?

14 A. I'm really not that good of a swimmer, but I know how  
15 to -- I feel I know how to save myself.

16 Q. Okay. Well, you did a very good job of that. Now,  
17 you said that you sat in the front part of the boat on the  
18 right-hand side?

19 A. Right.

20 Q. Okay. So when you were seated, you were looking out  
21 the left-hand side of the vessel?

22 A. Right.

23 Q. Okay. Now, you said that Carol -- and that would be  
24 Carol Charlton (ph.) --

25 A. Right.

1 Q. -- was sitting next to you --

2 A. Right.

3 Q. -- but you don't know who was seated next to her?

4 A. I really can't -- I know her -- I knew her, but I'm  
5 just drawing a blank on her name.

6 Q. Okay. Now, you said that your walker is a wooden  
7 folding walker?

8 A. It's just a rolling walker, because I have trouble  
9 standing a long time. And many times when we go some place,  
10 you have to stand in line like 20 minutes.

11 Q. Uh-huh.

12 A. So I, more or less, just take it so that I can sit  
13 down while I'm waiting in line.

14 Q. Okay. It has a seat on it, correct?

15 A. It has a seat on it. In fact, they recovered it.

16 Q. Okay. And it's made out of wood?

17 A. No, no, it's metal.

18 Q. Metal? Okay. Somewhere along the line my ears  
19 picked up wood, but --

20 A. No.

21 Q. -- you probably said rolling and --

22 A. Right.

23 Q. -- I missed. Okay.

24 A. No, it's a metal walker.

25 Q. Okay. Now, you mentioned that the Captain -- you

1    felt the boat speed up.  At what point did you feel the boat  
2    was speeding up?

3           A.    Just a few minutes before this happened.  You know,  
4    we pretty much were cruising and he was talking and then he  
5    stopped talking, and I'm sure it was when he was going to turn  
6    to come back, and I just felt that we sped up a little bit at  
7    that time.  I said ooh.  But I don't -- you know, that was how  
8    I felt.

9           Q.    Okay.  Now, you were sitting where you could see the  
10   Captain.  Did you --

11          A.    Actually, no.  He -- I did not -- I did look and see  
12   him once.

13          Q.    Uh-huh.

14          A.    But I was surrounded by several friends of mine  
15   that -- they kept talking and we were, we were looking at the  
16   scenery and you know, everything.  So I really didn't pay much  
17   attention to him.

18          Q.    Okay.  Now, do you, do you know what caused you to  
19   come off your seat?

20          A.    Oh, yeah, when the boat started into that turn, that  
21   whole side went down.

22          Q.    Okay.  Which side, ma'am?

23          A.    The left side went down and took on water, and it  
24   just kept going.  There was no pause whatsoever.  It was a  
25   quick flip.

1 Q. Okay. Now, when you say the turn, which way was the  
2 boat turning?

3 A. It was turning to the left. And the left side is the  
4 side has the seats for three people on it, and it just went  
5 down and kept going.

6 Q. Okay. It was -- you felt the boat was turning to the  
7 left?

8 A. Right.

9 Q. Okay, I'm making notes, that's why it's quiet for a  
10 couple --

11 A. Right.

12 Q. -- seconds here.

13 MR. MCGUNAGLE: And I'm the husband and I'm listening  
14 in on it over this line here.

15 MAJ. RIVENBURGH: Yeah, it's good to hear your voice,  
16 Mac.

17 MR. MCGUNAGLE: Yeah, okay.

18 MAJ. RIVENBURGH: I knew you were in the background  
19 there. I could hear you.

20 MR. MCGUNAGLE: All right. I thought you might. I  
21 just thought I'd identify that I was here.

22 MAJ. RIVENBURGH: Okay. I never took shorthand in  
23 high school, that's why it takes a little longer.

24 MR. MCGUNAGLE: No hurry.

25 MS. MCGUNAGLE: And probably, at this point, it

1 wouldn't help, anyway. You would have forgotten it --

2 MAJ. RIVENBURGH: Oh, that's true.

3 MS. MCGUNAGLE: -- if you took it.

4 BY MAJ. RIVENBURGH:

5 Q. That's true. Now, when you were cruising, when you  
6 were headed up-lake --

7 A. Um-hum.

8 Q. -- how was the boat sitting in the water?

9 A. It seemed okay then, I think. I don't think that it  
10 felt like it was leaning either way, once we started. I did  
11 make the remark, oh, it evened out.

12 Q. Okay. While you were waiting to get onboard, or  
13 after -- just after you got onboard, did you notice anything on  
14 the dock between the Captain and another crew member or --

15 A. There was no other crew member at all. He was the  
16 sole person.

17 Q. Okay.

18 A. And he did talk on the walkie-talkie.

19 Q. Okay.

20 A. Whatever he had. He did have a thing, a  
21 communication.

22 Q. Okay. Yeah, that's what they had. Did -- at the  
23 beginning of the trip, before you left the dock or in the early  
24 stages of the trip, do you recall anything about being advised  
25 where life preservers were or what to do in case of an

1 emergency?

2 A. No, he actually did not ever speak about life  
3 preservers. That was not mentioned. I saw the box, though,  
4 where they were.

5 Q. Okay. And you said there as no interaction, there  
6 was no other crew member down there other than the Captain?

7 A. That's right.

8 Q. Okay. Did Carol say anything about being the first  
9 mate on the trip? Your cruise director.

10 A. I really don't recall --

11 Q. Your tour director.

12 A. -- because they were already seated and if they said  
13 anything prior to that, I don't know. All I know is, they were  
14 yelling for me to come and sit with them.

15 Q. Okay.

16 A. No, come to think of it, Carol did come in last.

17 Q. Uh huh.

18 A. Because the two of us said there's room here for you.  
19 That's right. Yeah, she did come in last. So, I don't know,  
20 you know, being in the front of the boat. If she said  
21 anything, I don't know.

22 Q. Well, let's see. You don't recall any rough water?  
23 You don't recall seeing --

24 A. That's what we call glass clear.

25 Q. Uh huh.

1           A.    Beautiful.

2           Q.    You mentioned seeing boats.  Could you give me an  
3 approximation where they may have been, the boats that --

4           A.    There were a few pleasure boats, you know, like my  
5 brothers, that were way away from them, going down and you  
6 know, enjoying the beautiful sunny day.

7           Q.    Uh-huh.  Were they going, were they going in the same  
8 direction as you or were they going away from you?

9           A.    Some were but some weren't.  But there weren't a  
10 whole of them on the -- around us.  We came kind of right up  
11 through the middle and really did not have, to my knowledge,  
12 anybody bothering us or any wakes.  The ripples were very, very  
13 small from the boats when they did go.  They didn't see to  
14 deter or sway the boat at all.

15          Q.    Okay.  Anything else that you can think of that may  
16 help us?

17          A.    Thank God we did not have lifesavers on.  We would've  
18 all been dead, because we would not have been able to come down  
19 to get out.  That's my only -- it was my only saving thing.  
20 And that's probably all I have to say.

21               MAJ. RIVENBURGH:  Okay.  Okay, I'm going to give it  
22 back to Marietta.

23               MS. BURER:  Okay, thank you so much.  I really don't  
24 have any more questions for you.

25               MS. MCGUNAGLE:  Okay.

1 MS. BURER: But I do appreciate all the -- your story  
2 that you've told us and being able to answer the questions that  
3 we have asked.

4 MS. MCGUNAGLE: Is there any chance that we can get a  
5 recording of the conversation or no?

6 MS. BURER: Well, what we'll do is that eventually  
7 all this information is going to go into the public docket, and  
8 that you can actually get on [www.nts.gov](http://www.nts.gov), g-o-v, but it's  
9 going to take us a long time.

10 MS. MCGUNAGLE: Right.

11 MS. BURER: So anywhere between 12 to 24 months  
12 before the report comes out.

13 MS. MCGUNAGLE: Okay.

14 MS. BURER: Okay?

15 MS. MCGUNAGLE: All right, thank you.

16 MS. BURER: Thank you. And is your husband nearby?

17 MS. MCGUNAGLE: Yes.

18 MR. MCGUNAGLE: I'm listening in.

19 MS. BURER: Okay, okay.

20 MR. MCGUNAGLE: I'm listening at an alternate phone  
21 here.

22 MS. BURER: Okay. Well, we'll go ahead and continue  
23 on with you, then. And then the other things, the personal  
24 questions that we had asked your wife, in regards to the birth  
25 date, height, weight, we'll ask you that, also, but we'll do it



1 off-line, in other words, I'm not going to record that  
2 information.

3 MR. MCGUNAGLE: All right, I understand.

4 MS. BURER: Okay.

5 MR. MCGUNAGLE: Whatever you want to do.

6 MS. BURER: Okay. So we'll go ahead and start with  
7 the introductions again, the formal introductions, just for the  
8 person who's going to transcribe the recordings, okay?

9 MR. MCGUNAGLE: Uh-huh.

10 MS. BURER: Today is October the 11th, 2005. It is  
11 approximately six minutes before nine o'clock in the morning.  
12 My name is Mariette Burer and I'm with the NTSB.

13 MAJ. RIVENBURGH: Steve Rivenburgh, New York State  
14 Park Police.

15 MS. BURER: And your name, sir?

16 MR. MCGUNAGLE: My name is Evans, E-v-a-n-s, T.  
17 McGunagle, M-c-G-u-n-a-g-l-e. I go by the nickname of Mac, and  
18 I'm quite often called that instead of the Evans, okay?

19 INTERVIEW OF EVANS T. MCGUNAGLE

20 BY MS. BURER:

21 Q. Okay. Could you tell me exactly where you were  
22 sitting?

23 A. I was -- at the bow of the boat, there are, there  
24 were seats that ran along the length of the boat, just for  
25 about three people on either side, the right side and the left

1 side. And between them, there was a narrow bench that was  
2 perpendicular to those two. It ran across the width of the  
3 boat, and I was on that bench on the right side of it. I think  
4 there were two people on that bench. I was on the right, the  
5 right member nearest to my wife. And the person next to me on  
6 left was Barb Bommarito (ph).

7 Q. Okay.

8 A. Now you wanted also the height and weight? Was that  
9 in there? Did I skip?

10 Q. You did skip it, but there's a reason for it, because  
11 we're going to go ahead and to that without the recorder. I'll  
12 go ahead and just jot that stuff down after we go through the  
13 interview.

14 A. Oh, okay. Well, all right.

15 Q. Okay? So basically, what I would like for you to do  
16 is to go ahead and tell me your story and what happened on  
17 October the 2nd.

18 A. Okay. Well, I'll start with -- as the problem  
19 occurred, was impending. It was a smooth ride on the water, a  
20 descriptive comment by the Captain as we passed certain objects  
21 and what-have-you. He did -- occasionally one of the boats  
22 would, would go by, speed by, one of the little crafts that  
23 were pleasure crafts, personal boats. And sometimes he would  
24 turn it up a little bit so as to ride perpendicular to the, to  
25 the waves. Not very big waves, but he would turn a little bit

1 to ride perpendicular to them rather than taking them sideways.  
2 I do recall that little item.

3 And as we got to the point where the problem  
4 occurred, it was -- the first thing I was aware of was that we  
5 were tipping very much to the left and he was turning in that  
6 direction. And suddenly water started coming over onto the  
7 deck, onto the boat itself, from the left side. And I was up  
8 in the front and I saw this quite clearly. And this Carol, the  
9 cruise director, or not cruise director, but whatever she was,  
10 she was the director of what we were doing. She was thrown  
11 from her seat quite violently across right in front of me. And  
12 she hollered out and the boat just, from there I would say it  
13 was just a matter of a few seconds, three to five seconds it  
14 was upside down. It was just a flip, sudden, with the force of  
15 the water.

16 And from my viewpoint, the next thing I knew was, I  
17 was under water. It was very dark under the boat. I thought I  
18 was rising. I tried to swim upward and I thought I was rising  
19 toward the surface of the water, but, I guess, I was rising up  
20 into the interior of the boat, because I couldn't see anything.  
21 I was feeling out ahead of myself as I went and I suddenly  
22 encountered a couple of pieces of metal, like part of the ship  
23 metal that joined at a seam. And the first thing I thought  
24 was, is this the keel of the boat? That's what it felt like to  
25 me. They were at an angle, these two pieces of metal, at less

1    than a 90 degree angle, I thought, just looking back at it.  
2    And I pulled myself up into that spot, and there was an air  
3    pocket, a little bit of air in there. So, I didn't have a  
4    chance to take a deep breath before the thing flipped, just too  
5    shocked at that point. I went up into that air pocket and I  
6    don't know how long I was there, possibly a minute. Long  
7    enough to catch my breath and get stabilized. And I decided  
8    that the only way out of here, the water was rising, the only  
9    way out of here was to take a deep breath and dive.

10           And, at this point, I wondered where was I? If I was  
11   in the keel of the ship, there's a deck and I wondered how did  
12   I get below the deck? Or was there some other metal that made  
13   me think that that's where I was? I don't know if the deck  
14   buckled or if there was a hatch in it that I went through, but  
15   I had the feeling that it was the keel. I'd like to know how  
16   the ship was built, just so I could try to analyze it for  
17   myself.

18           But, fortunately that air, I think, saved me. So, I  
19   dove and I tried to swim at right angles to that seam that I  
20   felt, because I thought, well that would be sideways of the  
21   ship. As I went down, a lot of debris was in the water, there  
22   were window panels and things I was bumping into in the dark.  
23   It was quite a thing to swim through that junk.

24           I finally came up where I saw some light up above  
25   and, what it turned out to be was, sunlight on the surface of

1 the water. I headed towards that point, came up. I thought I  
2 was just done at that point, because I had exhausted the last  
3 bit of air in my lungs and was just about to gasp in lots of  
4 that Lake George. And, at that point, I had broke through the  
5 water. I didn't realize I was that close to the surface  
6 already. As I came out, I was facing away from the boat, so I  
7 must have been swimming in the right direction to get away from  
8 it. And I heard my wife call. She was back around hanging on  
9 to edge of the boat.

10 And I worked my way over towards her. I said that  
11 this boat is sinking and I told the people -- there were a  
12 number of people around the boat at that time, when I came up.  
13 I think I was the last one to come out from under. I think  
14 everybody that was going to come up had already come up. I was  
15 the last one, because I took that detour to breathe air.

16 On the way over to her, I saw a blue flotation pad of  
17 some kind. I think it was just like a seat cushion, but it was  
18 floating. I grabbed that, I shoved it under my wife's right  
19 arm. I put my left arm around her and I did a backstroke as  
20 rapidly as I could, to pull her away from the boat and called  
21 to the other people around there, get away before it sinks, it  
22 will pull you down.

23 And as we got away a little ways, there were some  
24 small boats. I saw no way that anyone could get into any of  
25 them that I saw, not without being at a dock. In fact, I

1 didn't want to get too close, because the curvature of their  
2 hull was such that I was going to go under where I couldn't  
3 even see the people and maybe even get pulled under their boat.  
4 So, I stayed somewhat remote from them. I did get another  
5 flotation device thrown from one of the ships. It was a red  
6 color, if anybody else wants to know. And my wife and I just  
7 hung on to each other with our individual flotation things and  
8 treaded water until one of the official, I don't know if it was  
9 a police boat or what kind of boat, but anyway, it was an  
10 official boat with the flashers on it and so on, to pick us up.

11           We were taken to shore on that. When I got out of  
12 the boat, they practically lifted me out. I think my legs felt  
13 like they were rubber at that point, I couldn't stand up for  
14 long. And they walked me off the deck and put me on the grass  
15 up on the shore there. And, I think, I could go on and on, but  
16 that's probably the essence of what the boat part took place.

17           Again, I agree with my wife that on the life raft --  
18 life jacket thing, I'm certainly glad that there wasn't one on  
19 me, at the time. I wouldn't be here talking now, if there had  
20 been. I would have been drowned under the boat, because I  
21 wouldn't have been able to get out from underneath.

22           Let's see, anything else? I didn't see any other --  
23 I was in the bow, looking around, I wasn't part of the  
24 conversation that was going on, primarily, but I was just  
25 looking at the scenery. And I did not see any other larger

1 boats in the area, as was reported on the news, at one point.  
2 Nothing around -- not within miles I would say, at least as far  
3 as I could see, and I had a pretty good view. No. Need  
4 anything else? I don't know.

5 Q. Okay. Thank you. Did you sustain any injuries?

6 A. Well, I, yeah, I had quite a few bumps and bruises  
7 from the things I encountered in the water. I got a bump on  
8 my -- some skin hit and a little cut on my back and things of  
9 that nature, but there really isn't. I was taken to the  
10 hospital and they did quite a battery of tests there, of  
11 course, at, what is it, Glens Falls Hospital.

12 One of the things that alarmed them was the fact that  
13 I had a very high level of enzymes that indicated a possible  
14 heart problem. But I never had any heart problem. I had no  
15 history of it. And other signs were in decent shape, blood  
16 pressure and what have you. But, this one enzyme, they said,  
17 it typically goes up under stress, but that I had taken quite a  
18 jolt to the heart because of the extreme physical activity of  
19 swimming out from under there and then towing my wife away. I  
20 must have had a pretty good phase. As far as I could pass it,  
21 I could battle.

22 Q. Right.

23 A. Anyway, they did keep me and the enzyme did not fall  
24 fast enough or barely fell. The doctor was very concerned  
25 about that and said that if there had been a lesser enzyme

1 rise, he would have attributed it entirely to the stress. If  
2 it was any more, they probably would do an immediate heart  
3 catheterization. But he said it was, I was kind of a dilemma  
4 to him, because I was in between and he come up with the idea  
5 of taking the nuclear stress test. You know what that is, I  
6 suppose. They inject a nuclear, radioactive material, let it  
7 circulate through the system. You go into the device with sort  
8 of a drum overhead or around your body and, I think, what they  
9 do is sense the radiation in the bloodstream and through the  
10 heart and form a three dimensional image or map of where that  
11 radiation is coming from. And then inject something in the IV  
12 to stimulate the heart and make it behave as if you've had a  
13 very rough exercise or were very rapidly exercising. It should  
14 induce sweat and rapid heartbeat and aching muscles and all of  
15 the things that go with the usual treadmill sort of thing.

16 Q. Right.

17 A. And then they redo the imaging and compare before and  
18 after. It turns out that it was at an acceptable level and  
19 they did release me, after a couple days there. So that was --  
20 now I have an appointment with a local doctor here this  
21 morning, later on, at 11:00 or something like that and I'll  
22 mention these things.

23 Q. Okay. Do you remember how long your stay was in the  
24 hospital? What time or date was it that you actually got  
25 discharged?



1           A.   Well, okay, yeah.   Well, of course we went straight  
2 to the hospital from --

3           Q.   Right.

4           A.   -- the shore and then got out on Tuesday, late in the  
5 afternoon.

6           Q.   Okay.

7           A.   And came home the following day.   We stayed overnight  
8 in the hotel on Tuesday night and then came home the following  
9 day.

10          Q.   Right.   Are you a good swimmer?

11          A.   I wouldn't say a good swimmer, but I think I passed  
12 my test that day.

13          Q.   Yes.   I would say so, definitely.   Now, as far as --  
14 how long do you think that you were out in the water?

15          A.   Well, let's see.   I was -- you know, it's kind of  
16 hard to judge time when you're under stress, but I know I was  
17 under the boat long enough to get my breath and try to  
18 ascertain what I should do, and long enough to see other  
19 survivors were already out of the water and gathered around the  
20 boat and in the vicinity.   So, I was probably under there a  
21 couple of minutes.   And then --

22               MS. MCGUNAGLE:   Longer than that, dear.

23               MR. MCGUNAGLE:   Well, as I said -- it's hard.   I  
24 wasn't taking notes at the time.

25               BY MS. BURER:

1 Q. Right.

2 A. But, once we got to the surface of the water and  
3 waited for the official -- I don't know whose boats they were,  
4 if it was police department or sheriff or anyway, it was some  
5 official boat that picked us up.

6 Q. Right. And --

7 A. I think, before they got there, there was probably in  
8 the order of 20 minutes to a half an hour we were in the water,  
9 just treading water and waiting.

10 Q. Right. When you first boarded -- were you one of the  
11 last passengers to board?

12 A. Yes.

13 Q. Okay. And can you tell me a little bit about the  
14 Captain and how he greeted you or, during the rest of the trip,  
15 his demeanor?

16 A. Okay. Well, I overheard what my wife said. And I  
17 overheard, essentially, the same thing, at that time.  
18 Although, again, I wasn't taking notes. I didn't think there  
19 was going to be a problem.

20 Q. Right. No. Okay.

21 A. Yeah, he was rather matter of fact describing things  
22 as we went along. It was very difficult to understand. There  
23 was a sound level problem there. I think he was in the stern,  
24 that was what his position was. He was either in the stern or  
25 towards the stern. I know it was well behind us. And I was in

1 the bow. And the sound system, if that's what he had there,  
2 was kind of deficient, so I really didn't get a lot of what he  
3 was saying. And other people were talking around, so it's hard  
4 to say how courteous he was or -- I think he was just trying to  
5 be descriptive of what was going on.

6 Q. Okay. Were all the windows open or closed or --

7 A. Well, I think there was a window in front. I really  
8 didn't look behind that much. I was looking towards the sides  
9 and toward the bow of the boat, being up there. There was a  
10 window in front of us that was kind of a windbreaker, but I  
11 don't think there was any windows to our sides, at least that  
12 was open on the sides where I could see plainly without looking  
13 through windows on either the left or right side.

14 Q. Do you feel that you had a pretty good position as  
15 far as enjoying the trip and being able to look around both on  
16 the left-hand and right-hand side --

17 A. Yes. Yes, I do.

18 Q. Okay. And did you see anything at all that kind of  
19 was out of the ordinary during your trip?

20 A. No, I didn't. It was just a beautiful Sunday  
21 afternoon. A nice, relatively calm water, mild ripples. Just  
22 enjoyable.

23 Q. Right.

24 A. Up until the time I went into the left. I think,  
25 really, the problem was that it was overloaded with a

1   preponderance of weight on the left side of the boat and that,  
2   coupled with the turning to the left, is what kicked it off.

3       Q.   Why do you say that it was overloaded on the left-  
4   hand side?

5       A.   I think more people were sitting on the left and  
6   there were some pretty heavy bodies there, as I walked by them.  
7   I understand that, from what I've read on this since then,  
8   although I didn't know it before hand, that the head count was  
9   based on some 1950s or 1960s type of Coast Guard standards that  
10   allocated something like 140 pounds per person. And I didn't  
11   see hardly anybody that fit in that category.

12       Q.   Right.

13       A.   And they were mostly on the left. I think that, I  
14   shouldn't really take that much note of it, but it seems that  
15   most everybody agreed that there were three seats, lined up  
16   like an airline liner, where there were three seats down one  
17   side and two seats down the other side and, it seems that the  
18   three seats were on the left side and the two seat-row was on  
19   the right side.

20       Q.   When you arrived and finally got seated, how long  
21   afterwards before the Captain departed?

22       A.   It was relatively soon. I think it was a matter of  
23   two minutes or so. It was quick.

24       Q.   Okay, and did he --

25       A.   We were the last ones in, or essentially the last

1 ones. There might have been one or two more, but the boat was  
2 mostly filled, by the time that we got in.

3 Q. Okay.

4 A. And, as my wife indicated, some of her friends were  
5 calling her, we saved you a seat up here, so we went to the  
6 bow.

7 Q. Right. Oh, the safety briefing. Did he perform a  
8 safety briefing?

9 A. I don't recall anything of that nature.

10 Q. And do you recall anything as far as where the life  
11 jackets were? Did you observe anything with your own eyes?

12 A. I heard my wife say that she saw where they were, but  
13 life jackets had not even -- I have no recollection of even  
14 thinking about life jackets or hearing any mention of life  
15 jackets, or nothing. But, I'm certainly glad I didn't have  
16 one.

17 Q. Right. Okay.

18 MS. BURER: I'm going to go ahead and turn it over  
19 right now, but thank you.

20 MR. MCGUNAGLE: All right.

21 BY MAJ. RIVENBURGH:

22 Q. Mac, Steve Rivenburgh, Park Police.

23 A. Yes?

24 Q. You said you were sitting in the bow?

25 A. Yes.

1           Q.    Were you sitting on the left side or the right side,  
2   or in the middle?

3           A.    It was more in the central.  There was one seat that,  
4   I don't know if you noted the structure where the seats were up  
5   there, but there was right in the bow area, there was one seat  
6   that was on either side of the boat, running along the length  
7   of the boat.  There was a seat on the left side running the  
8   length of it for about three persons --

9           Q.    Uh-huh.

10          A.    -- and a seat on the right side for about three  
11   persons.

12          Q.    Yup.

13          A.    And between them, or towards the back end, as I said,  
14   there was a narrow bench that ran horizontally across, or  
15   across the width of the boat, --

16          Q.    Yup.

17          A.    -- for about two people.  And I was on that seat.  
18   There were two of us there, that I know of.  And I tried to fit  
19   these things together later, it's sometimes difficult, but I  
20   think I was right member, or on the right side of those seats  
21   for two people, right about mid-ship.

22          Q.    Yup.  Okay.  Now, you said, who was sitting to your  
23   left?

24          A.    Barbara Bommarito from Trenton, here.

25          Q.    Okay.  Now, do you know, on the bench to your left,

1 who was sitting on that, facing you?

2 A. The only one that I remember being over there was  
3 Margie or Margaret, Margie Kidon, K-i-d-o-n.

4 Q. Uh-huh.

5 A. And she was from Trenton, here.

6 Q. Yup.

7 A. Okay.

8 Q. Okay?

9 A. There were a couple of other people, I don't recall  
10 who else was there, but I know Margie quite well from the  
11 seniors over here.

12 Q. Okay. Now, on the bench on the right front, was your  
13 wife?

14 A. My wife and then Carol. I didn't know her that well,  
15 but she was our cruise or our tour director.

16 Q. Yup.

17 A. And she was sitting next to my wife. And then there  
18 was a third person, but I don't know. I think it was one of  
19 the other people that joined our tour from one of the other  
20 cities and I'm not sure who it was.

21 Q. Okay. Do you know who was sitting on your right  
22 shoulder on the right side, behind you?

23 A. No. No, I don't. I don't recall who was behind me.

24 Q. Okay. And would you know who was on your left  
25 shoulder, behind you?

1           A.    No.  I didn't turn and talk with those people and I'm  
2 not too sure who was around.  You know, you're in a crowd of  
3 people.  I didn't make any mental note, image or notes of that.

4           Q.    Okay.  When you were setting there, do you recall  
5 that, at any time during the cruise, anybody standing up?

6           A.    No, I don't.

7           Q.    Okay.  Now, you did have the catbird seat, more or  
8 less --

9           A.    Okay.

10          Q.    -- sitting forward and facing forward --

11          A.    Right.

12          Q.    -- what side of the boat were you looking out of  
13 most, the left side or the right side?

14          A.    Boy, this is a tough one.  I was scanning the whole  
15 horizon, I think.

16          Q.    Okay.  That's --

17          A.    Just enjoying the view, you know?

18          Q.    Yup.  When you were scanning, do you recall seeing  
19 any boats?

20          A.    Oh, yeah.  There were a few small pleasure craft that  
21 had gone past us at different times.  I don't think there was  
22 anything that close at the time the boat flipped.  Many of them  
23 arrived shortly after.  They sort of raced in on the scene,  
24 having observed it, but I don't think there was anything near,  
25 at the time the boat flipped.



1           Q.    Okay.  Now, did you notice, did you happen to see  
2   what direction Margie Kidon was looking in, during the cruise?

3           A.    Well, she would have been looking to the right.  No,  
4   I didn't.  This is only logical, I don't remember seeing her  
5   looking that way, but --

6           MS. MCGUNAGLE:  I hate to barge in.  She was talking  
7   to me and looking right at me.

8           MR. MCGUNAGLE:  So, she would have been looking  
9   towards the starboard side, the right side, or whatever you  
10   want to call it.

11          BY MAJ. RIVENBURGH:

12          Q.    Okay.  Now, you're saying in your statement that the  
13   boat turned to the left?

14          A.    Yes, it was.  It was in a left turn.  It was either  
15   in a left turn by intent from the Captain, or being pulled that  
16   way because of some weight shift or something, but it looked  
17   like we were in a turn.

18          Q.    Okay.  Going into that harbor, into that little  
19   cove --

20          A.    Uh-huh.

21          Q.    -- how did he go into it?  Close to the shoreline, or  
22   was he staying out and turning left to go into the cove?

23          A.    Kind of hard to evaluate, I don't know what would  
24   classify as close, but I think he would have had enough  
25   distance to turn to the left and turn around.  It's hard to

1 say. I couldn't really answer that with any degree of  
2 certainty.

3 Q. Okay. You said there were other friends that were  
4 telling you and your wife to get onboard. Do you know who they  
5 were besides Margie and --

6 A. Well, there was Barb Bommarito who was up there and I  
7 really didn't pay that much attention. I think they were  
8 calling, primarily, to my wife.

9 MS. MCGUNAGLE: There was Chapman and Frances.

10 MR. MCGUNAGLE: Oh, yeah, that's right. Chapman and  
11 Fran. Frances Rock and Joyce Chapman, both deceased.

12 BY MAJ. RIVENBURGH:

13 Q. Where were they sitting?

14 A. I don't know. I think they were up forward in there,  
15 but they might have been somewhat behind where I was sitting.  
16 My wife might remember, because she was -- they were calling to  
17 her, and I'm just a tag along. You know, the old man.

18 Q. I know the feeling and I'm not quite there yet.

19 A. Yeah, well. Well, you know, there was another thing  
20 that just comes to mind that maybe doesn't even relate to your  
21 line of questioning, but rather to the previous lady, about  
22 injury.

23 I don't know if you would call it an injury, but I'm  
24 sure I sucked in some of that diesel fuel into my system and  
25 I've been hacking and trying to cough and spit up that stuff

1 ever since, I think. For a couple of days there, every time I  
2 took a drink of water, I tasted diesel fuel.

3 MAJ. RIVENBURGH: I'm sure you have. Do -- Mrs.  
4 McGunagle?

5 MS. MCGUNAGLE: Yes?

6 BY MAJ. RIVENBURGH:

7 Q. Do you recall where Joyce and Frances were setting?

8 A. They were within the first two rows.

9 Q. On the left side or right side?

10 A. On the right side.

11 MR. MCGUNAGLE: Really? I don't know.

12 MS. MCGUNAGLE: She was in, just right behind you,  
13 Dad.

14 MR. MCGUNAGLE: Was she?

15 MS. MCGUNAGLE: Yeah, they were right behind you.

16 BY MAJ. RIVENBURGH:

17 Q. Okay. When you were setting in your seat, could you  
18 see them over his left shoulder or his right shoulder?

19 A. Well, I would be looking back now, towards the boat.

20 Q. Yup.

21 A. It would be his left shoulder.

22 Q. Okay.

23 MR. MCGUNAGLE: That doesn't quite fit, but okay.

24 BY MAJ. RIVENBURGH:

25 Q. Yup. Okay.

1           A.    Well, Joyce moved back and forth on the seat, after I  
2 got in, but that's where she was.

3           MR. MCGUNAGLE:  Yeah, she was an active person, she  
4 might have been moving.

5           BY MAJ. RIVENBURGH:

6           Q.    A moving target?

7           A.    Exactly.  You've got it.

8           BY MAJ. RIVENBURGH:

9           Q.    Do you recall, Mac, seeing any waves come at you, any  
10 rollers from the boat?

11          A.    No, I do not.

12          Q.    Okay.  Do you recall any sounds?

13          A.    Not -- no.  I don't think there was any outstanding  
14 sound that occurred at that time.  It was just the sudden lurch  
15 to the left with the turn, and the water coming up over edge,  
16 and a very sudden flip.

17          Q.    Okay.

18          A.    So sudden that I was shocked when I was under water.

19          Q.    Okay.  While you were on the boat, getting onboard,  
20 do you recall any open hatches in the deck?

21          A.    No.  No.  I tried to think of that.  I was looking.  
22 I was trying to recall, is there any way I could have actually  
23 gotten down to the keel, which is what I was feeling above my  
24 head, where I had the air pocket, or was it some other little  
25 corner or pocket that might have been filled?  I thought it was

1 keel. This has kind of bothered me, ever since it happened, I  
2 wonder where in the hell was I?

3 Q. It's possible. Not knowing exactly, having seen  
4 it --

5 A. It felt like a long seam, like it would have been a  
6 keel seam --

7 Q. Yup.

8 A. -- as I felt along. It was dark, I couldn't see  
9 anything down there.

10 Q. Was it rough or --

11 A. No, it was smooth.

12 Q. Okay. You were probably on the deck in the gunnel,  
13 the side. Okay? It's possible. It's possible you could have  
14 gotten up into the keel, but we recovered all the hatches, so  
15 it's hard to say.

16 When you were on shore, or getting to load, or just  
17 after you loaded, do you recall any interaction between the  
18 Captain and any other crew member?

19 A. On shore?

20 Q. Yes. Before the --

21 A. After the incident?

22 Q. No. Prior to, while you were loading onto the vessel  
23 at the dock.

24 A. Well, no. We were some of the last ones to get down  
25 there. There was quite a steep hill coming down from the

1 street level up above and down to where the dock was. And my  
2 wife, with her walker, and I was trying to form a breaking  
3 action, so that it would roll smoothly, but it was tough for  
4 her to get down there. We were probably some of the last to  
5 arrive down there, because of that slow action of walking.

6 In fact, I was seriously wondering, how are we going  
7 to get her up that hill again, when we get back. Well, that  
8 problem never materialized.

9 Q. Yes, that's true, unfortunately.

10 A. Yeah.

11 MAJ. RIVENBURGH: Well, right now, I can't think of  
12 any other questions to ask you. I do want to extend my  
13 sympathies for the loss of your friends.

14 MR. MCGUNAGLE: Yes. We've attended some funerals  
15 here in the last few days, I think that's our principal  
16 activity since being home.

17 MAJ. RIVENBURGH: Yes, I'm sure it has been. I'll  
18 turn it back to Mariette.

19 MR. MCGUNAGLE: All right.

20 MS. BURER: Hi. What I would like to do now is go  
21 ahead and just stop the recording, and then go ahead and ask  
22 you the personal questions, that we were talking about earlier.

23 MR. MCGUNAGLE: Okay.

24 MS. BURER: So, would you mind acknowledging that  
25 this conversation has been recorded and then I can terminate

1 it?

2 MR. MCGUNAGLE: That's fine. You can record and  
3 terminate it any time you want to.

4 MS. BURER: Okay. Thank you, very much.

5 (Whereupon, the interview in the above-entitled  
6 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           MV Ethan Allen  
                                  Lake George, New York,  
                                  October 2, 2005  
                                  Interviews of Anne McGunagle  
                                  and Evans T. McGunagle

DOCKET NUMBER:           DCA 06 MM 001

PLACE:                    Washington, D.C.

DATE:                     October 11, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

\_\_\_\_\_  
David Martini  
Transcriber (p. 1-19)

\_\_\_\_\_  
Kimberly J. Zogby  
Transcriber (p. 19-40)